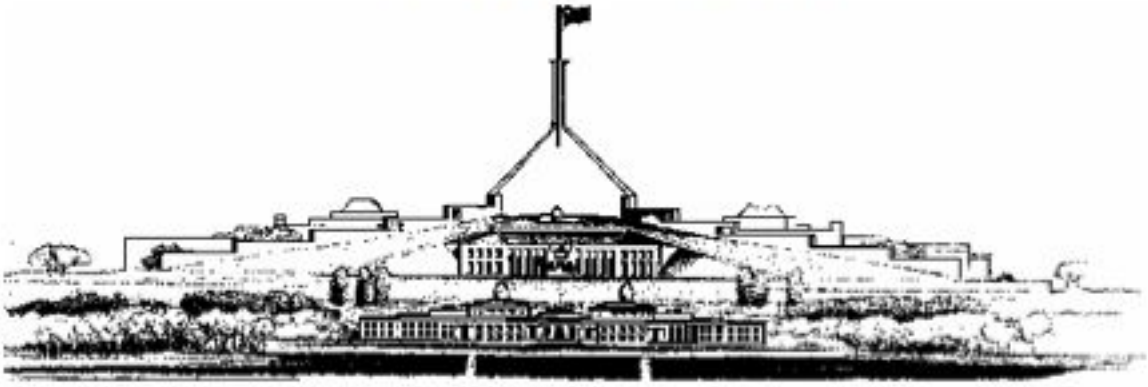
COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



THE SENATE

WORKPLACE RELATIONS AMENDMENT (TERMINATION OF EMPLOYMENT) BILL 2002 [NO. 2]

In Committee

SPEECH

Monday, 22 March 2004

BY AUTHORITY OF THE SENATE

SPEECH

Date	Monday, 22 March 2004	**Source**	Senate
Page	21562	**Proof**	No
Questioner		**Responder**	
Speaker	Abetz, Sen Eric	**Question No.**	

Senator ABETZ (Tasmania—Special Minister of State) (8.19 pm)—At the outset I acknowledge Senator Murray's comment that from time to time the Senate has been gracious in allowing small titbits of our employment and workplace relations agenda through the Senate, and that has been courtesy of the Australian Democrats as opposed to those who truly sit on the other side, who of course get their instructions on these matters from trades hall.

The reasonable position that Senator Murray refers to is an interesting one. He agrees with us, I think, that the zero position is unreasonable, so in discussing what time length would be reasonable I assume that he is not putting zero months into that mix. If he does not put that into the mix and if he dismisses that as being completely unreasonable, I simply remind him that the 12-month period has been the national situation for eight years. Queensland and Victoria have the 12-month period as well, so a fair swag of the Australian work force is already covered by the 12-month period.

The proposal of the Democrats would enable casual employees with six months service to access federal unfair dismissal remedies, compared to the current threshold of 12 months. The 12-month exemption has been in place since 1996. In 1996, the government and the Australian Democrats agreed that casual employees should be required to work for their employers for 12 months before being able to make unfair dismissal applications. The expected duration of a job currently held by a casual employee has been estimated to be approximately 4.6 years. In this context 12 months is a relatively short period of time.

Since 1996, Australian businesses have relied on the 12-month exemption for casuals when developing their employment practices. The exemption ensures that businesses have the flexibility to hire short-term casuals without the burden of a possible unfair dismissal proceeding if it turns out that the employee is not needed permanently. Reducing the exemption from 12 months to six months would place an extra burden on businesses, particularly small businesses, by forcing them to rearrange their employment practices and leaving them open to termination of employment claims for a larger number of their employees. It is those sorts of factors that militate against small businesses increasing their work force. As I said before, all indications show that if these laws were changed another 50,000 of our fellow Australians would be in employment at this moment.

Question negatived.